

1 LENARD E. SCHWARTZER
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3 TRUSTEE
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6 UNITED STATES BANKRUPTCY COURT
7 DISTRICT OF NEVADA

8 In re) Case No. BK-S 20-10752-ABL
9 JIMENEZ ARMS, INC.,) IN PROCEEDINGS UNDER CHAPTER 7
10) TRUSTEE'S RESPONSE TO MOTION TO
11) WITHDRAW AS COUNSEL OF RECORD
12) Date: February 3, 2021
13) Time: 9:30 a.m.
Debtor.)

14 LENARD E. SCHWARTZER, Trustee herein, responds to the Motion to Withdraw As
15 Counsel of Record [Doc 138] and alleges:

16 1. In this Court, a corporation is required to be represented by a licensed attorney. A
17 corporation is not permitted to appear in any Federal Court unless it is represented by counsel. *U.S.*
18 *v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993); *Rowland v. Ca. Men's*
19 *Colony, Unit II Men's Advisory Council*, 506 U.S. 194, 201-02 (1993) ("It has been the law for the
20 better part of two centuries that a corporation may appear in the federal courts only through licensed
21 counsel.").

22 2. This Debtor's bankruptcy estate has assets and a dismissal will not serve the interests
23 of the Debtor's creditors.

24 3. The "last known address" of the Debtor is a commercial building at which the Debtor
25 no longer has an office. Sending notice to this address would be useless.

26 4. The corporate officer of the Debtor who signed the Debtor's petition as "President" is
27 PAUL JIMENEZ, SR. See Petition. [Doc 1].
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1 5. According to the Resolution of the Board of Directors of Jimenez Arms, Inc. filed
2 with this Court [Doc 9], PAUL JIMENEZ, SR. Is the sole director of the Debtor.

3 6. In order to administer the Bankruptcy Estate, it is necessary to have an actual
4 representative of the Debtor who can respond to requests from the Trustee and his counsel.

5 7. Bankruptcy Rule 9001 grants this Court the power to designate a person to
6 represent a corporate debtor when the corporate debtor's attendance and performance is
7 required. Specifically, Rule 9001(5) provides:

8 “When any act is required by these rules to be performed by a debtor or when it is
9 necessary to compel attendance of a debtor for examination and the debtor is not
10 a natural person: (A) *if the debtor is*
11 *a corporation, "debtor" includes, if designated by the court, any or all*
12 *of its officers, members of its board of directors or trustees or of a similar*
13 *controlling body, a controlling stockholder or member, or any other person in*
14 *control; (B) if the debtor is a partnership, "debtor" includes any or all of its general*
15 *partners or, if designated by the court, any other person in control.”*

16 WHEREFORE, the Trustee requests that the withdrawal of counsel for the Debtor be
17 conditioned on the following:

- 18 a. the appointment of PAUL JIMENEZ, SR. as the individual representative of the
19 Debtor who is required to appear and respond on behalf of the Debtor and to perform
20 acts required of the Debtor;
21 b. provision of an address and telephone number for PAUL JIMENEZ SR.; **and**
22 c. the requirement that the Debtor obtain new counsel within 30 days.

23 Dated: January 5, 2021



24 LENARD E. SCHWARTZER
25 Trustee
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